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**OFFICE OF PETITIONS**

In re Application of  
Giuseppe ZATTERA  
Application No. 10/560,933  
Filed: December 15, 2005  
Attorney Docket No. 82062-0187

DECISION ON PETITION

This is a decision on the petition, under 37 CFR 1.137(b) filed on October 1, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Final Office Action mailed March 11, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 12, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Notice of Appeal and the required fee and; (2) the petition fee of \$1,620; and (3) the required statement of unintentional delay have been received. Accordingly, the Notice of Appeal fee payment is accepted as having been unintentionally delayed.


**The two-month period for filing an appeal brief under 37 CFR 41.37(a)(1), accompanied by the fee required by 37 CFR 41.20(b)(2), runs from the date of this decision.**

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 630, 1631 (Comm'r Pats. 1988). Since the \$1110 extension of time fee submitted with the petition on October 1, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Application No. 10/560,933

Telephone inquiries concerning this decision should be directed to Tammara Peyton at (571) 272-6052 or in his absence to the undersigned at (571) 272-3217.

The application file is being referred to the TC Art Unit 3767 for further processing.

  
David Bucci  
Petitions Examiner  
Office of Petitions